

**REMARKS**

Claims 1-6, 9-25, 29 and 33 were previously canceled. Claims 7, 8 and 26-28 and 30-32 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on January 10, 2008.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

**Claims 26, 28, 30 and 32 over Chack and Helferich**

In the Office Action, claims 26, 28, 30 and 32 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 6,751,211 to Chack ("Chack") in view of U.S. Patent No. 6,636,733 to Helferich ("Helferich"). The Applicants respectfully traverse the rejection.

Claims 26, 28, 30 and 32 recite, *inter alia*, a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile. A call to the phone number triggers transmission of user specified pre-designated information to the calling device.

The Examiner acknowledges that Chack fails to teach a data message that comprises a phone number. (see Office Action, page 8) The reason that Chack fails to teach such features is that Chack's transaction processing system transmits a uniform resource locator (URL) to a transaction initiator (see Chack, col. 8, lines 61-63) Chack's transaction processing system is only able to service the URL that is transmitted to a transaction initiator. Thus, to modify Chack's transaction processing system to transmit a data message that comprises a phone number would be nonsensical within the context of Chack's invention – which lacks a system and method that is able to service a transmitted phone number.

In response to the nonsensical nature of the Examiner alleged

theoretical modification of Chack, the Examiner argues in the Response to Arguments section of the Office Action that Chack teaches "mixed transactions (e.g., receive a telephone call and response to the telephone call using electronic mail) ... Exemplary transactions include telephone calls, video sessions, or an Internet session ... those of ordinary skill in the art will appreciate that the teachings of the invention can be applied to any type of transaction. In particular, the teachings can apply to any type of real-time transaction (Col. 4, lines 13-31)." (See Office Action, pages 2 and 3)

The Examiner stresses mixed transaction that respond to a **telephone call** using electronic mail. Chack's email is a data message, but his email is not comprised of a URL, as required by the claims. The Examiner stressed section of Chack emphasizes the nonsensical nature of the alleged theoretical modification of Chack that is only able to process data messages not being able to response to a call from a **phone number** included in a data message, as claimed. Triggering transmission of an **email** or URL in response to a phone call is not triggering transmission of a data message comprising a **phone number**, with a call to the phone number triggering transmission of **user specified pre-designated information** to the calling device, as claimed.

Chack's system is at best able to service electronic messages, emails or URLs **not** a telephone call from a **phone number** included with a data message, with a call to the phone number triggers transmission of **user specified pre-designated information** to the calling device, as recited by claims 26, 28, 30 and 32.

Helferich teaches:

The email server 16 communicates with the message processor 18 for establishing a temporary **mailbox associated with a specific callback number**, which was assigned to a message.

When the message processor 18 receives a call directed to a specific callback number, the message processor 18 prompts the mobile phone user to dictate a reply message for the specific recipient identified by header information contained in the original message (step 216). The message processor 18 records the voice reply message, notifies the email server 16 of the voice message, and provides the email server with the callback telephone number that the user dialed (or that the mobile phone

10 automatically dialed in response to the user activating the reply command) (step 218).

The email server 16 uses the callback telephone number to retrieve the email message associated therewith (step 220). The email server 16 then transmits to the originator of the email message associated with the callback telephone number at least the voice message recorded by the message processor 18 (step 222). In one embodiment, only the voice message is transmitted, in other embodiments, the voice message plus the email message associated with the callback number are transmitted. *(emphasis added; see Helferich, col. 4, line 54 to col. 5, line 9)*

Helferich teaches a temporary mailbox associated with a specific callback number. When a call is directed to this callback number, a mobile phone user can leave a reply message. An email server uses the callback number to determine an originator of an email message, and transmits a voice message or a voice message plus the email message associated with the callback number.

Thus, Helferich teaches "receiving at the mobile phone the information forwarded by the email server, which at the least includes a callback number...Upon activating the reply command, the mobile phone automatically places a call to the callback number." (see col. 4, lines 32-43) As discussed above, calling the callback number allows a user to leave a reply message and allows an email server to transmit a voice message and email to the originator of the callback number. The originator does NOT specify and pre-designate the voice message and email, as an originator cannot know in advance that such information even exists. Helferich, like Chack fails to teach or suggest a data message comprising a phone number within a system and method for triggering transmission of user specified pre-designated information to a calling device, as required by claims 26, 28, 30 and 32.

Even if it were obvious to theoretically modify Chack with Helferich's alleged teachings, the result would be a transaction processing system that transmits a URL or an email message (Chack) that includes a callback phone number (Helferich). But, as discussed above, Chack's transaction processing system is unable to service a phone call from this callback phone number. It is able to service only a URL or an email. Thus, the

Examiner's theoretical modification of Chack would still **fail** to result in a functional system. Chack and Helferich, either alone or in combination, fail to disclose, teach or suggest a system and method that trigger transmission of a data message comprising a **phone number** to a calling device according to a user specific retrieval profile, with a call to the phone number triggers transmission of **user specified pre-designated information** to the calling device, as required by claims 26, 28, 30 and 32.

The Examiner argues that Applicants are arguing the references individually. (See Office Action, page 3) However, Applicants are arguing, and previously argued, the nonsensical nature of the alleged modification of Chack, in other words the nonsensical combination of Chack's alleged teaching with Helferich's alleged teachings.

Accordingly, for at least the above reasons, claims 26, 28, 30 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

**Claims 7, 8, 27 and 31 over Chack, Helferich, and Pepe**

In the Office Action, claims 27 and 31 were rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of Helferich, and in further view of U.S. Pat. No. 5,742,668 to Pepe et al. ("Pepe"), with claims 7 and 8 being rejected under 35 USC 103(a) as allegedly being obvious over Pepe in view of Chack and Helferich. The Applicants respectfully traverse the rejection.

Claims 27 and 31 are dependent on claims 26 and 30, and are allowable for at least the same reasons as claims 26 and 30.

Claims 7, 8, 27 and 31 recite, *inter alia*, a system and method for triggering transmission of a data message comprising a **phone number** to a calling device according to a user specific retrieval profile, a call to the phone number triggering transmission of **user specified pre-designated information** to the calling device. As discussed above, Chack and Helferich, either alone or in combination, fail to disclose, teach or suggest such features.

The Examiner relies on Pepe to allegedly teach "converting

retrieved user information to short message and transmitting to calling device.”  
(see Office Action, page 6)

Pepe teaches that an e-mail body can include a message sender's address that includes a voice mail phone number. (See col. 19, lines 41-52) Triggering transmitting of a voice mail to a calling device is not triggering transmission of user specified pre-designated information, as required by claims 7, 8, 27 and 31.

So even Pepe, Chack and Helferich, either alone or in combination, would still fail to disclose, teach or suggest a method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile, with a call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 7, 8, 27 and 31.

Accordingly, for at least the above reasons, claims 7, 8, 27 and 31 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

#### **Claims 7 and 8 over Makela, Chack, and Helferich**

In the Office Action, claims 7 and 8 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 6,301,338 to Makela et al. (“Makela”) in view of Chack and Helferich. The Applicants respectfully traverse the rejection.

Claims 7 and 8 recite, *inter alia*, a method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile, a call to the phone number triggering transmission of user specified pre-designated information to the calling device. As discussed above, Chack and Helferich, either alone or in combination, fail to disclose, teach or suggest such features.

Makela appears to disclose a communication device comprising a message function wherein a short message is set in response to an incoming message in a situation where the user can't answer the call. (see Abstract) A

user can depress a function key to select a predefined message from a list of ready messages (See Makela, col. 7, lines 43-46) The user can write a desired reply message through a keypad. (See Makela, col. 7, lines 22-23)

Thus, Makela teaches transmission of a keypad reply message or a canned reply message – not a data message comprising a phone number to a calling device according to a user specific retrieval profile, as required by claims 7 and 8.

Moreover, Makela teaches a reply message that is specified by a called party at a time of a call. A calling party reply message specified at a time of a call is not user specified pre-designated information, as required by claims 7 and 8.

Makela fails to teach or suggest a method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile, with a call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 7 and 8.

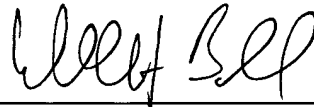
So even Makela, Chack and Helferich, either alone or in combination, would still fail to disclose, teach or suggest a method for triggering transmission of a data message comprising a phone number to a calling communications device according to a user specific retrieval profile, with a call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 7 and 8.

Accordingly, for at least the above reasons, claims 7 and 8 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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